

June 9, 2023
Sl. No.10
Court No.19
s.biswas

CO 1661 of 2023

Sudarshan Kumar Birla

vs.

Raniganj Properties Private Limited and others

Mr. Abhrajit Mitra, Sr. Adv.

Mr. Arindam Banerjee

Mr. Biswajit Kumar

Mr. Sourav Bhagat

Ms. Shruti Swaika

Mr. Rajarshi Ganguli

Ms. Yukti Agarwal

... for the petitioner

An innocuous prayer has been made by the defendant no.1 in Title Suit No.737 of 2021, for a direction upon the learned trial judge to dispose of the application for injunction under Order 39 Rule 1 and 2 read with Section 151 of the Code of Civil Procedure, expeditiously.

Mr. Mitra, learned Senior Advocate submits that pleadings with regard to the application are complete. He further submits that the petitioner is the defendant no.1 in the suit and the inordinate delay in disposal of the application for injunction is causing irreparable loss and injury to the defendant no.1 as their right to use a passage, which is the subject matter of the order of ad-interim injunction, is being denied everyday.

It is further submitted that the defendant nos.2 to 5 entered appearance in the said suit, but did not file any written objection as yet. The defendant no.6 has not yet been served.

Under such circumstances, this court is of the view that the learned Civil Judge, Junior Division, 2nd Court, Alipore, shall dispose of the application for injunction within a period of two months from the next date fixed, upon granting an opportunity to the defendants in the suit to file their written objections.

Service upon the defendant no.6 by courier and also by registered speed post with acknowledgment due at the instance of the plaintiff, shall be accepted as good service and unnecessary delay shall not be caused awaiting SR and AD.

As the prayer for expeditious disposal is innocuous and shall not cause any prejudice to any of the parties, the opposite parties are not required to be given prior notice before disposal of this revisional application.

This court has neither expressed any opinion on merits of the application for injunction nor any opinion on the merits of the suit.

The revisional application is thus disposed of.

Learned court below shall proceed independently.

A copy of this revisional application along with a sever copy of this order be served upon the opposite party within a period of a week from date.

All the parties and the learned court below shall act on the basis of a server copy of this order.

(Shampa Sarkar, J.)